

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PATRICK STONE,

Plaintiff,

-V-

JOSEPH FISHER,

Defendant.

20-CV-1818 (JMF) (BCM)

ORDER

JESSE M. FURMAN, United States District Judge:

On May 28, 2020, Magistrate Judge Moses — to whom this matter is referred for general pretrial purposes — issued an Order denying Plaintiff’s request for voluntary dismissal under Rule 41(a)(2) and granting Plaintiff’s alternative request for a stay. ECF No. 51 (“May 28, 2020 Order”), at 6. On June 11, 2020, Plaintiff filed objections to Magistrate Judge Moses’s Order with leave of Court. ECF No. 65 (“Pl. Objections”).

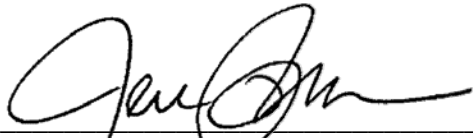
Plaintiff’s objections are denied. Under Rule 72(a) of the Federal Rules of Civil Procedure, the Court must “consider timely objections and modify or set aside any part of the order that is clearly erroneous or contrary to law.” Fed. R. Civ. P. 72(a). Mindful of a Magistrate Judge’s broad authority over matters of case management where, as here, the case has been referred for general pretrial purposes, the Court concludes that Magistrate Judge Moses committed no error, let alone clear error under Rule 72(a). Among other things, Plaintiff objects that the stay is “dispositive of claims” and “indefinite and ambiguous,” and requests that it be lifted “upon the modification or dissolution of the temporary restraining order.” Pl. Objections 6, 28. But Magistrate Judge Moses’s Order expressly permits either party to file “a motion to lift

the stay” so as to allow Plaintiff to “resume the litigation of his federal claims at such time as he can do so unburdened by the TRO.” May 28, 2020 Order at 6. To the extent that Plaintiff takes issue with particular statements in Magistrate Judge Moses’s Order, Plaintiff fails to identify how these statements caused him any prejudice. Finally, to the extent necessary under Rule 72(b)(3), the Court concurs with Magistrate Judge Moses’s determination that dismissal under Rule 41(a)(2) is inappropriate, and her ruling on that issue is thus adopted.

Accordingly, Plaintiff’s request to modify the Order is denied.

SO ORDERED.

Dated: June 12, 2020  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge